

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. LA CV15-00200 JAK (Ex)
 Title Oula Zakaria v. Gerber Products Co.

Date June 29, 2016

Present: The Honorable JOHN A. KRONSTADT, UNITED STATES DISTRICT JUDGE

Andrea Keifer

Not Reported

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Not Present

Attorneys Present for Defendants:

Not Present

Proceedings: **(IN CHAMBERS) ORDER RE PLAINTIFF'S EX PARTE APPLICATION FOR ORDER FOR MODIFICATION OF SCHEDULING ORDER (DKT. 160)**

PLAINTIFF'S EX PARTE APPLICATION TO EXTEND DISCOVERY CUT-OFF DATE TO 10/11/2016 (DKT. 171)

DEFENDANT'S EX PARTE APPLICATION FOR RECONSIDERATION OR REVIEW (DKT. 175)

As stated in a prior Order, three ex parte applications have been filed recently in this matter. All are related. Plaintiff filed two of them. Dkt. 160, 171. In each she seeks the extension of certain pretrial deadlines as well as the trial date due to the pendency of certain discovery disputes. Because those disputes were presented to, and decided by, Judge Eick (Dkt. 167) after the first ex parte application was made, Plaintiff filed the second one. The second ex parte application supersedes the first. Therefore, Plaintiff's first ex parte application (Dkt. 160) is **MOOT**.

In the second ex parte application Plaintiff seeks the aforementioned extensions because the Order issued by Judge Eick that requires Defendant to produce additional documents set July 11, 2016 as the deadline for their production. Defendant opposed both of the applications on the ground that there is no good cause to extend any of the current deadlines in part because Plaintiff has not shown sufficient diligence with respect to meeting them. Dkt. 163, 173.

The third ex parte application was filed by Defendant on June 21, 2016, and was supplemented on June 22, 2016. Dkt. 175, 176. That application seeks a reconsideration and review of Judge Eick's Order. It also seeks an extension until July 29, 2016, to complete the production of documents that are the subject of that Order, given the large volume of documents and the work required to gather, review and produce them. Defendant has agreed to produce the documents on a "rolling" basis, with a completion by the aforementioned date of July 29. Dkt. 175 at 31. Plaintiff opposed Defendant's ex parte application on the ground that Judge Eick thoroughly considered Defendant's arguments in opposition to her motion to compel, and properly limited the scope of the required production. Dkt. 178.

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Having reviewed the two pending ex parte applications and the corresponding briefing by the parties, it is ordered that Plaintiff's second ex parte application is **GRANTED IN PART**, and Defendant's ex parte application is **GRANTED IN PART** and **DEFERRED IN PART**. The Scheduling Order will be modified to extend certain deadlines, as requested by both parties, as follows:

Event:	Current Deadline	New, Modified Deadline:
Last day to serve initial expert disclosures:	May 16, 2016	July 11, 2016
All remaining documents to be produced pursuant to the Order of Judge Eick:	July 11, 2016	July 29, 2016
Updated expert disclosures:	N/A	August 15, 2016
Rebuttal expert disclosures:	July 15, 2016	September 8, 2016
Expert discovery cut-off	August 15, 2016	October 3, 2016
Last day to file motions	July 11, 2016	October 10, 2016
Last day to hear motions	September 19, 2016	December 19, 2016
Anticipated ruling on all motions	October 17, 2016	January 18, 2017
Last day to file all pretrial documents	October 31, 2016	January 30, 2017
Final Pretrial Conference, Status Conference re Disputed Exhibits and Hearing on Motions in Limine	November 14, 2016 at 3:00 p.m.	February 13, 2017 at 3:00 p.m.
Jury Trial	December 6, 2016 at 9:00 a.m. (est. tbd days)	February 28, 2017 at 9:00 a.m. (est. tbd days)

These dates are set subject to the following:

1. The Court takes under submission the Defendant's ex parte application to review the discovery order issued by Judge Eick. All matters raised in that application will be addressed by the Court, notwithstanding that the application requests a "reconsideration" of Judge Eick's Order.

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2. A ruling on the ex parte application will be issued on or before July 28, 2016. Pending that ruling, Defendant shall continue to gather all documents whose production is required by the order issued by Judge Eick, and be prepared to complete by July 29, 2016, the production of those documents ordered by Judge Eick to the extent that this Court upholds all or part of Judge Eick's Order. To the extent that there are documents whose production was required by Judge Eick's Order and to whose production Defendant does not object, they shall be produced as part of the rolling production process on or before July 11, 2016, or as soon thereafter as reasonably practicable.
3. Given that: this action has been pending since January 2015; on June 15, 2015, the deadline for initial expert disclosures was set for February 15, 2016; following a joint report by the parties on February 12, 2016, this date was reset to May 16, 2016; and Plaintiff did not bring the motion to compel that led to Judge Eick's Order until May 9, 2016, each side shall, in compliance with the July 11, 2016 deadline stated above with respect to disclosure of experts and their reports, provide such reports and disclosures, notwithstanding that additional documents may be produced in response to Judge Eick's Order if some or all of Defendant's objections to it are overruled by this Court. Should additional documents be produced after July 11, 2016, in response to Judge Eick's Order, or this Court's ruling on the objections to that Order, the parties shall disclose any corresponding amendments to their respective experts' reports on or before August 15, 2016. Such amendments shall be permitted only to the extent that they are reasonably based on the additional documents that were produced after July 11, 2016.

IT IS SO ORDERED.

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